

COTTONWOOD HEIGHTS

RESOLUTION No. 2021-22

A RESOLUTION ACCEPTING REQUESTS FOR INDEMNIFICATION

WHEREAS, the city of Cottonwood Heights (the “City”) and City employees E. Robert Russo, Dan Bartlett, Jamie Croft, Chris McHugh, Kelly Taylor, Trey Brimhall, Bryan Griffiths, and Tim Tingey (collectively, the “Employees”) have been named as defendants in a lawsuit styled Aaron James, Tiffany James, Gabriel Pecoraro and Raven James, Plaintiffs vs. Earnest Robert Russo, Dan Bartlett, Jamie Croft, Chris McHugh, Kelly Taylor, Austin Stirland, Trey Brimhall, Brian Griffiths, City of Cottonwood Heights, Tim Tingey, Co-Conspirators I-V and John Does I-X, Defendants that is pending as case no. 2:21CV287 HCN in the United States District Court for the District of Utah (including any successor action or any removal or appeal of such case to another court, called herein the “Lawsuit”); and

WHEREAS, UTAH CODE ANN. §63G-7-902, a portion of the Governmental Immunity Act of Utah (the “Act”), provides that a governmental entity shall defend any action brought against its employees arising from an act or omission occurring (a) during the performance of the employee’s duties; (b) within the scope of the employee’s employment; or (c) under color of authority; and

WHEREAS, the Employees have filed one or more requests for indemnification (the “Request”) with the City concerning the Lawsuit pursuant to UTAH CODE ANN. §63G-7-902(2); and

WHEREAS, the Council met in regular session on 1 June 2021 to consider, among other things, granting the Request; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to grant the Request and, by so doing, to agree to defend the Lawsuit and indemnify each of the Employees from and against any judgment, compromise or settlement of claim based on the acts and conduct specified in the Lawsuit, but only to the extent that such acts and conduct occurred (a) during the performance of each such Employee’s duties; (b) within the scope of each such Employee’s employment; or (c) under color of authority, with a reservation of rights by the City as provided in UTAH CODE ANN. §63G-7-902(6);

NOW, THEREFORE, BE IT RESOLVED by the Cottonwood Heights city council that the City hereby grants the Request and hereby agrees to defend the Lawsuit and indemnify each of the Employees from and against any judgment, compromise or settlement of claim based on the acts or conduct specified in the Lawsuit, but only to the extent that such acts and conduct occurred (a) during the performance of each such Employee’s duties; (b) within the scope of each such Employee’s employment; or (c) under color of authority, with a reservation of rights by the City as provided in UTAH CODE ANN. §63G-7-902(6).

This Resolution, assigned no. 2021-22, shall take effect immediately upon passage.

PASSED AND APPROVED effective 1 June 2021.

ATTEST:

By: 

Paula Melgar, Recorder



COTTONWOOD HEIGHTS CITY COUNCIL

By: 

Michael J. Peterson, Mayor

VOTING:

Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Douglas Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tali C. Bruce	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>
Christine Watson Mikell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

excused

DEPOSITED in the office of the City Recorder this 1st day of June 2021.

RECORDED this 2 day of June 2021.